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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/720,355	11/24/2003	Mark S. Rense	135427/GECZ 2 00687	4678
27885	7590	04/17/2006	EXAMINER	
FAY, SHARPE, FAGAN, MINNICH & MCKEE, LLP 1100 SUPERIOR AVENUE, SEVENTH FLOOR CLEVELAND, OH 44114			RIELLEY, ELIZABETH A	
			ART UNIT	PAPER NUMBER
			2879	
DATE MAILED: 04/17/2006				

Please find below and/or attached an Office communication concerning this application or proceeding.

✓ include

**Advisory Action  
Before the Filing of an Appeal Brief**

Application No.

10/720,355

Applicant(s)

RENSE, MARK S.

Examiner

Elizabeth A. Rielley

Art Unit

2879

**--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

THE REPLY FILED 10 March 2006 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.  
b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**NOTICE OF APPEAL**

2. ☐ The Notice of Appeal was filed on \_\_\_\_\_. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

**AMENDMENTS**

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because  
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);  
(b) ☐ They raise the issue of new matter (see NOTE below);  
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or  
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: \_\_\_\_\_. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).  
5. ☐ Applicant's reply has overcome the following rejection(s): \_\_\_\_\_.  
6. ☐ Newly proposed or amended claim(s) \_\_\_\_\_ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).  
7. ☐ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.  
The status of the claim(s) is (or will be) as follows:  
Claim(s) allowed: \_\_\_\_\_.  
Claim(s) objected to: \_\_\_\_\_.  
Claim(s) rejected: \_\_\_\_\_.  
Claim(s) withdrawn from consideration: \_\_\_\_\_.

**AFFIDAVIT OR OTHER EVIDENCE**

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).  
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).  
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

**REQUEST FOR RECONSIDERATION/OTHER**

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:  
please see attached sheet.  
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08 or PTO-1449) Paper No(s). \_\_\_\_\_.  
13. ☐ Other: \_\_\_\_\_.

## DETAILED ACTION

### *Response to Amendment*

Amendment filed 3/20/06 has been entered and considered by the Examiner. Currently, claims 7, 9-16, and 18-22 are pending in the instant application.

### *Response to Arguments*

Applicant's arguments filed 3/20/06 have been fully considered but they are not persuasive.

In regard to Applicant's argument that the prior art of record fails to teach that no greater force is exerted by the positioning member on the shoulder other than the weight of the positioning member and the light source, the Examiner respectfully disagrees. The Examiner thanks the Applicant for the detailed explanation of Hook's law. However, the positioning member's (44) "springiness" is a resilient quality of the disk 44 that is especially utilized during the method of manufacturing the device. Noll et al cites the German patent DE-GM 19548521<sup>1</sup> for a detailed description of the manufacturing method of their device, which states that stamping member 19 is used to help seal the light device 1 (column 3 lines 56-67; figure 2). The springy positioning member is necessarily resilient, since it is crushed down (column 3 lines 56-67; figure 2) by the stamping member 19. The Applicant argues that this spring force would be acting on the shoulder. However, the stamping member 19 is then removed (column 3 lines 56-67), and thus the spring action (Hook's Law) would no longer be in effect on the shoulder of the housing after the manufacturing of the device. Therefore, in regards to the device itself, no greater force is acted upon the

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shoulder than the force exerted by the weight of the positioning member and the light source of the device.

In regard to Applicant's argument that the inherent springiness of the disk 44 supplies a spring force to the shoulder of the lamp, the Examiner notes that this resilient quality is *caused* by the weight of the light source resting upon it, and so no greater force acts on the shoulder than *the force exerted by the weight* of the positioning member (44) *and the light source* (1), since the weight (defined as the vertical force experienced by a mass due to gravity<sup>2</sup>) of the light source on the positioning member triggers the resilient nature of the disk's inherent property.

In regard to Applicant's argument that the prior art of record fails to teach an eyelet including a tubular portion that has substantially homogeneous strength characteristics throughout the length of the tubular portion, the Examiner respectfully disagrees. Gagnon et al ('128) teaches "[w]ith multiple grooves or slits, the eyelet 26 is less likely to over stress any particular point along the inside of the formed passage 16" (column 2 line 67 to column 3 line 2) and again, "[t]he pressure of the bowing eyelet can only achieve a limited level before the weakened zones or slits allow the eyelet tube wall to distort or fail. The wall distortion allows the wall sections to buckle or ride over each other. This buckling also provides thermal expansion and contractions of the eyelet with respect to the lamp to be relieved." (Column 4 lines 21-27). These slits are strength characteristics of the tubular portion, that is, the slits improve the strength of the eyelets by enabling the eyelet release the tension and load between the eyelet and the glass (column 4 lines 46-58). Therefore, the slits in the tubular portion, as taught by Gagnon, increase the ability to handle stress throughout the length of the tubular portion, and hence, the slits are a homogeneous (column 3 lines 2-5) strength characteristic.

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<sup>1</sup> The Applicant will be provided with an official translation as soon as the Examiner receives it. An oral translation

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*Conclusion*

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Elizabeth A. Rielley whose telephone number is 571-272-2117. The examiner can normally be reached on Monday - Friday 7:30 - 4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nimeshkumar Patel can be reached on 571-272-2457. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



*Elizabeth Rielley*

*Examiner*  
*Art Unit 2879*

*msz 4/11/06*  
**MARICELI SANTIAGO**  
**PRIMARY EXAMINER**

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was sought for this advisory action.

<sup>2</sup> <http://encarta.msn.com/encnet/features/dictionary/DictionaryResults.aspx?refid=1861711977>